

1 A bill to be entitled
2 An act relating to operation and safety of motor
3 vehicles and vessels; amending ss. 316.1932 and
4 316.1939, F.S.; revising conditions under which a
5 person's driving privilege is suspended and under
6 which the person commits a misdemeanor relating to
7 tests for alcohol, chemical substances, or controlled
8 substances; specifying such misdemeanor as a
9 misdemeanor of the first degree; amending s. 327.02,
10 F.S.; defining the term "human-powered vessel";
11 revising the definition of the term "navigation
12 rules"; amending s. 327.04, F.S.; providing additional
13 rulemaking authority to the Fish and Wildlife
14 Conservation Commission; creating s. 327.462, F.S.;
15 providing definitions; authorizing heads of certain
16 entities to establish temporary protection zones in
17 certain water bodies for certain purposes; providing
18 protection zone requirements; requiring the heads of
19 certain entities to report the establishment of such
20 protection zones to the commission and to the
21 appropriate United States Coast Guard Sector Command;
22 providing requirements for such report; providing
23 applicability; providing penalties; amending ss.
24 327.352 and 327.359, F.S.; revising conditions under
25 which a person commits a misdemeanor of the first

26 degree; creating s. 327.371, F.S.; providing
27 circumstances under which a person may operate a
28 human-powered vessel within the boundaries of the
29 marked channel of the Florida Intracoastal Waterway;
30 providing a penalty; amending s. 327.391, F.S.;
31 conforming cross-references; amending s. 327.395,
32 F.S.; prohibiting all persons, beginning on a
33 specified date, from operating a vessel powered by a
34 motor of 10 horsepower or greater unless the person
35 has certain documents in his or her possession aboard
36 the vessel; removing authority of the commission to
37 appoint certain entities to administer a boating
38 safety education course or temporary certificate
39 examination and issue certain credentials; exempting
40 certain persons from the requirement to possess
41 certain documents aboard a vessel; amending s.
42 327.4107, F.S.; authorizing certain officers to
43 provide notice that a vessel is at risk of becoming
44 derelict via body camera recordings; authorizing the
45 commission or certain officers to relocate at-risk
46 vessels to a certain distance from mangroves or
47 vegetation; providing that the commission or officers
48 are not liable for damages to such vessels; providing
49 an exception; authorizing the commission to establish
50 a derelict vessel prevention program consisting of

51 certain components; authorizing the commission to
52 adopt rules; providing that such program is subject to
53 appropriation by the Legislature; providing for
54 funding; amending s. 327.4108, F.S.; designating
55 Monroe County as an anchoring limitation area subject
56 to certain requirements; requiring the commission to
57 adopt rules; providing applicability; deleting
58 obsolete language; amending s. 327.4109, F.S.;
59 prohibiting the anchoring or mooring of a vessel or
60 floating structure within a certain distance of
61 certain facilities; providing exceptions; amending s.
62 327.45, F.S.; including specified spring groups and
63 runs in spring protection zones; authorizing the
64 commission to establish by rule spring protection
65 zones that prohibit the anchoring, mooring, beaching,
66 or grounding of vessels; amending s. 327.46, F.S.;
67 authorizing a county or municipality to establish a
68 boating-restricted area within and around a public
69 mooring field; creating s. 327.463, F.S.; specifying
70 conditions under which a vessel is and is not
71 operating at slow speed, minimum wake; prohibiting a
72 person from operating a vessel faster than slow speed,
73 minimum wake within a certain distance from other
74 specified vessels; exempting a person from being cited
75 for a violation under certain circumstances; providing

76 penalties; providing applicability; amending s.
77 327.50, F.S.; authorizing the commission to exempt
78 vessel owners and operators from certain safety
79 equipment requirements; creating s. 327.521, F.S.;
80 designating waters of this state as no-discharge zones
81 upon approval by the United States Environmental
82 Protection Agency; prohibiting discharge of sewage
83 from a vessel or floating structure into such waters;
84 providing penalties; declaring a vessel or floating
85 structure that violates such prohibition a nuisance
86 and a hazard to public safety; providing for removal
87 of such vessel or structure from the waters of this
88 state upon a second conviction; providing requirements
89 for removal and sale of such vessel or structure under
90 certain circumstances; defining the term "conviction";
91 amending s. 327.53, F.S.; requiring the owner or
92 operator of a live-aboard vessel or houseboat equipped
93 with certain sanitation devices to maintain a record
94 of the date and location of each pumpout of the device
95 for a certain period; amending s. 327.54, F.S.;
96 prohibiting a livery from leasing, hiring, or renting
97 a vessel to a person required to complete a
98 commission-approved boating safety education course
99 unless such person presents certain documentation
100 indicating compliance; amending s. 327.60, F.S.;

101 authorizing a local government to enact and enforce
102 regulations allowing the local law enforcement agency
103 to remove an abandoned or lost vessel affixed to a
104 public mooring; amending s. 327.73, F.S.; providing
105 additional violations that qualify as noncriminal
106 infractions; providing civil penalties; prohibiting
107 conviction of a person cited for a violation relating
108 to possessing proof of boating safety education under
109 certain circumstances; increasing certain civil
110 penalties; providing that certain vessels shall be
111 declared a public nuisance subject to certain
112 statutory provisions; authorizing the commission or
113 certain officers to relocate or remove public nuisance
114 vessels from the waters of this state; providing that
115 the commission or officers are not liable for damages
116 to such vessels; providing an exception; amending s.
117 328.09, F.S.; prohibiting the Department of Highway
118 Safety and Motor Vehicles from issuing a certificate
119 of title to an applicant for a vessel that has been
120 deemed derelict pursuant to certain provisions;
121 authorizing the department, at a later date, to reject
122 an application for a certificate of title for such a
123 vessel; amending s. 376.15, F.S.; revising unlawful
124 acts relating to derelict vessels; defining the term
125 "leave"; prohibiting an owner or operator whose vessel

126 becomes derelict due to specified accidents or events
127 from being charged with a violation under certain
128 circumstances; providing applicability; conforming
129 provisions to changes made by the act; authorizing a
130 governmental subdivision that has received
131 authorization from a law enforcement officer or agency
132 to direct a contractor to perform vessel storage,
133 destruction, and disposal activities; authorizing the
134 commission to provide local government grants for the
135 storage, destruction, and disposal of derelict
136 vessels; providing for funding; amending s. 705.103,
137 F.S.; providing notice procedures for when a law
138 enforcement officer ascertains that a derelict or
139 public nuisance vessel is present on the waters of
140 this state; requiring a mailed notice to the owner or
141 party responsible for the vessel to inform him or her
142 of the right to a hearing; providing hearing
143 requirements; authorizing a law enforcement agency to
144 take certain actions if a hearing is not requested or
145 a vessel is determined to be derelict or otherwise in
146 violation of law; revising provisions relating to
147 liability for vessel removal costs and notification of
148 the amount owed; providing penalties for a person who
149 is issued a registration for a vessel or motor vehicle
150 before such costs are paid; requiring persons whose

151 vessel registration and motor vehicle privileges have
152 been revoked for failure to pay certain costs to be
153 reported to the department; prohibiting issuance of a
154 certificate of registration to such persons until such
155 costs are paid; amending s. 823.11, F.S.; revising
156 application of definitions; revising the definition of
157 the term "derelict vessel"; specifying requirements
158 for a vessel to be considered wrecked, junked, or
159 substantially dismantled; providing construction;
160 revising unlawful acts relating to derelict vessels;
161 defining the term "leave"; prohibiting an owner or
162 operator whose vessel becomes derelict due to
163 specified accidents or events from being charged with
164 a violation under certain circumstances; providing
165 applicability; providing that relocation or removal
166 costs incurred by a governmental subdivision are
167 recoverable against the vessel owner or the party
168 determined to be legally responsible for the vessel
169 being derelict; providing penalties for a person who
170 is issued a registration for a vessel or motor vehicle
171 before such costs are paid; authorizing a governmental
172 subdivision that has received authorization from a law
173 enforcement officer or agency to direct a contractor
174 to perform vessel relocation or removal activities;
175 providing effective dates.

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Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraphs (a) and (c) of subsection (1) of section 316.1932, Florida Statutes, are amended to read:

316.1932 Tests for alcohol, chemical substances, or controlled substances; implied consent; refusal.—

(1)(a)1.a. A ~~Any~~ person who accepts the privilege extended by the laws of this state of operating a motor vehicle within this state is, by ~~so~~ operating such vehicle, deemed to have given his or her consent to submit to an approved chemical test or physical test including, but not limited to, an infrared light test of his or her breath for the purpose of determining the alcoholic content of his or her blood or breath if the person is lawfully arrested for any offense allegedly committed while the person was driving or was in actual physical control of a motor vehicle while under the influence of alcoholic beverages. The chemical or physical breath test must be incidental to a lawful arrest and administered at the request of a law enforcement officer who has reasonable cause to believe such person was driving or was in actual physical control of the motor vehicle within this state while under the influence of alcoholic beverages. The administration of a breath test does not preclude the administration of another type of test. The person shall be told that his or her failure to submit to any

201 lawful test of his or her breath will result in the suspension
202 of the person's privilege to operate a motor vehicle for a
203 period of 1 year for a first refusal, or for a period of 18
204 months if the driving privilege of such person has been
205 previously suspended or if he or she has previously been fined
206 under s. 327.35215 as a result of a refusal to submit to ~~such~~ a
207 test or tests required under this chapter or chapter 327, and
208 shall also be told that if he or she refuses to submit to a
209 lawful test of his or her breath and his or her driving
210 privilege has been previously suspended or if he or she has
211 previously been fined under s. 327.35215 for a prior refusal to
212 submit to a lawful test of his or her breath, urine, or blood as
213 required under this chapter or chapter 327, he or she commits a
214 misdemeanor of the first degree, punishable as provided in s.
215 775.082 or s. 775.083, in addition to any other penalties
216 provided by law. The refusal to submit to a chemical or physical
217 breath test upon the request of a law enforcement officer as
218 provided in this section is admissible into evidence in any
219 criminal proceeding.

220 b. A ~~Any~~ person who accepts the privilege extended by the
221 laws of this state of operating a motor vehicle within this
222 state is, by ~~so~~ operating such vehicle, deemed to have given his
223 or her consent to submit to a urine test for the purpose of
224 detecting the presence of chemical substances as set forth in s.
225 877.111 or controlled substances if the person is lawfully

226 | arrested for any offense allegedly committed while the person
227 | was driving or was in actual physical control of a motor vehicle
228 | while under the influence of chemical substances or controlled
229 | substances. The urine test must be incidental to a lawful arrest
230 | and administered at a detention facility or any other facility,
231 | mobile or otherwise, which is equipped to administer such tests
232 | at the request of a law enforcement officer who has reasonable
233 | cause to believe such person was driving or was in actual
234 | physical control of a motor vehicle within this state while
235 | under the influence of chemical substances or controlled
236 | substances. The urine test shall be administered at a detention
237 | facility or any other facility, mobile or otherwise, which is
238 | equipped to administer such test in a reasonable manner that
239 | will ensure the accuracy of the specimen and maintain the
240 | privacy of the individual involved. The administration of a
241 | urine test does not preclude the administration of another type
242 | of test. The person shall be told that his or her failure to
243 | submit to any lawful test of his or her urine will result in the
244 | suspension of the person's privilege to operate a motor vehicle
245 | for a period of 1 year for the first refusal, or for a period of
246 | 18 months if the driving privilege of such person has been
247 | previously suspended or if he or she has previously been fined
248 | under s. 327.35215 as a result of a refusal to submit to ~~such~~ a
249 | test or tests required under this chapter or chapter 327, and
250 | shall also be told that if he or she refuses to submit to a

251 lawful test of his or her urine and his or her driving privilege
252 has been previously suspended or if he or she has previously
253 been fined under s. 327.35215 for a prior refusal to submit to a
254 lawful test of his or her breath, urine, or blood as required
255 under this chapter or chapter 327, he or she commits a
256 misdemeanor of the first degree, punishable as provided in s.
257 775.082 or s. 775.083, in addition to any other penalties
258 provided by law. The refusal to submit to a urine test upon the
259 request of a law enforcement officer as provided in this section
260 is admissible into evidence in any criminal proceeding.

261 2. The Alcohol Testing Program within the Department of
262 Law Enforcement is responsible for the regulation of the
263 operation, inspection, and registration of breath test
264 instruments utilized under the driving and boating under the
265 influence provisions and related provisions located in this
266 chapter and chapters 322 and 327. The program is responsible for
267 the regulation of the individuals who operate, inspect, and
268 instruct on the breath test instruments utilized in the driving
269 and boating under the influence provisions and related
270 provisions located in this chapter and chapters 322 and 327. The
271 program is further responsible for the regulation of blood
272 analysts who conduct blood testing to be utilized under the
273 driving and boating under the influence provisions and related
274 provisions located in this chapter and chapters 322 and 327. The
275 program shall:

- 276 a. Establish uniform criteria for the issuance of permits
277 to breath test operators, agency inspectors, instructors, blood
278 analysts, and instruments.
- 279 b. Have the authority to permit breath test operators,
280 agency inspectors, instructors, blood analysts, and instruments.
- 281 c. Have the authority to discipline and suspend, revoke,
282 or renew the permits of breath test operators, agency
283 inspectors, instructors, blood analysts, and instruments.
- 284 d. Establish uniform requirements for instruction and
285 curricula for the operation and inspection of approved
286 instruments.
- 287 e. Have the authority to specify one approved curriculum
288 for the operation and inspection of approved instruments.
- 289 f. Establish a procedure for the approval of breath test
290 operator and agency inspector classes.
- 291 g. Have the authority to approve or disapprove breath test
292 instruments and accompanying paraphernalia for use pursuant to
293 the driving and boating under the influence provisions and
294 related provisions located in this chapter and chapters 322 and
295 327.
- 296 h. With the approval of the executive director of the
297 Department of Law Enforcement, make and enter into contracts and
298 agreements with other agencies, organizations, associations,
299 corporations, individuals, or federal agencies as are necessary,
300 expedient, or incidental to the performance of duties.

301 i. Issue final orders which include findings of fact and
302 conclusions of law and which constitute final agency action for
303 the purpose of chapter 120.

304 j. Enforce compliance with ~~the provisions of~~ this section
305 through civil or administrative proceedings.

306 k. Make recommendations concerning any matter within the
307 purview of this section, this chapter, chapter 322, or chapter
308 327.

309 l. Promulgate rules for the administration and
310 implementation of this section, including definitions of terms.

311 m. Consult and cooperate with other entities for the
312 purpose of implementing the mandates of this section.

313 n. Have the authority to approve the type of blood test
314 utilized under the driving and boating under the influence
315 provisions and related provisions located in this chapter and
316 chapters 322 and 327.

317 o. Have the authority to specify techniques and methods
318 for breath alcohol testing and blood testing utilized under the
319 driving and boating under the influence provisions and related
320 provisions located in this chapter and chapters 322 and 327.

321 p. Have the authority to approve repair facilities for the
322 approved breath test instruments, including the authority to set
323 criteria for approval.

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325 Nothing in this section shall be construed to supersede
326 provisions in this chapter and chapters 322 and 327. The
327 specifications in this section are derived from the power and
328 authority previously and currently possessed by the Department
329 of Law Enforcement and are enumerated to conform with the
330 mandates of chapter 99-379, Laws of Florida.

331 (c) A ~~Any~~ person who accepts the privilege extended by the
332 laws of this state of operating a motor vehicle within this
333 state is, by operating such vehicle, deemed to have given his or
334 her consent to submit to an approved blood test for the purpose
335 of determining the alcoholic content of the blood or a blood
336 test for the purpose of determining the presence of chemical
337 substances or controlled substances as provided in this section
338 if there is reasonable cause to believe the person was driving
339 or in actual physical control of a motor vehicle while under the
340 influence of alcoholic beverages or chemical or controlled
341 substances and the person appears for treatment at a hospital,
342 clinic, or other medical facility and the administration of a
343 breath or urine test is impractical or impossible. As used in
344 this paragraph, the term "other medical facility" includes an
345 ambulance or other medical emergency vehicle. The blood test
346 shall be performed in a reasonable manner. A ~~Any~~ person who is
347 incapable of refusal by reason of unconsciousness or other
348 mental or physical condition is deemed not to have withdrawn his
349 or her consent to such test. A blood test may be administered

350 whether or not the person is told that his or her failure to
351 submit to such a blood test will result in the suspension of the
352 person's privilege to operate a motor vehicle upon the public
353 highways of this state and that a refusal to submit to a lawful
354 test of his or her blood, if his or her driving privilege has
355 been previously suspended for refusal to submit to a lawful test
356 of his or her breath, urine, or blood, is a misdemeanor. A ~~Any~~
357 person who is capable of refusal shall be told that his or her
358 failure to submit to such a blood test will result in the
359 suspension of the person's privilege to operate a motor vehicle
360 for a period of 1 year for a first refusal, or for a period of
361 18 months if the driving privilege of the person has been
362 suspended previously or if he or she has previously been fined
363 under s. 327.35215 as a result of a refusal to submit to ~~such a~~
364 ~~test or tests~~ required under this chapter or chapter 327, and
365 ~~that a refusal to submit to a lawful test of his or her blood,~~
366 ~~if his or her driving privilege has been previously suspended~~
367 ~~for a prior refusal to submit to a lawful test of his or her~~
368 ~~breath, urine, or blood, is a misdemeanor.~~ The refusal to submit
369 to a blood test upon the request of a law enforcement officer is
370 admissible in evidence in any criminal proceeding.

371 Section 2. Subsection (1) of section 316.1939, Florida
372 Statutes, is amended to read:

373 316.1939 Refusal to submit to testing; penalties.—

374 (1) A ~~Any~~ person who has refused to submit to a chemical
 375 or physical test of his or her breath, ~~blood,~~ or urine, as
 376 described in s. 316.1932, and whose driving privilege was
 377 previously suspended or who was previously fined under s.
 378 327.35215 for a prior refusal to submit to a lawful test of his
 379 or her breath, urine, or blood required under this chapter or
 380 chapter 327, and:

381 (a) Who the arresting law enforcement officer had probable
 382 cause to believe was driving or in actual physical control of a
 383 motor vehicle in this state while under the influence of
 384 alcoholic beverages, chemical substances, or controlled
 385 substances;

386 (b) Who was placed under lawful arrest for a violation of
 387 s. 316.193 unless such test was requested pursuant to s.
 388 316.1932(1)(c);

389 (c) Who was informed that, if he or she refused to submit
 390 to such test, his or her privilege to operate a motor vehicle
 391 would be suspended for a period of 1 year or, in the case of a
 392 second or subsequent refusal, for a period of 18 months;

393 (d) Who was informed that a refusal to submit to a lawful
 394 test of his or her breath or, urine, ~~or blood,~~ if his or her
 395 driving privilege has been previously suspended or if he or she
 396 has previously been fined under s. 327.35215 for a prior refusal
 397 to submit to a lawful test of his or her breath, urine, or blood
 398 as required under this chapter or chapter 327, is a misdemeanor

399 of the first degree, punishable as provided in s. 775.082 or s.
400 775.083, in addition to any other penalties provided by law; and

401 (e) Who, after having been so informed, refused to submit
402 to any such test when requested to do so by a law enforcement
403 officer or correctional officer commits a misdemeanor of the
404 first degree and is subject to punishment as provided in s.
405 775.082 or s. 775.083.

406 Section 3. Subsections (18) through (47) of section
407 327.02, Florida Statutes, are renumbered as subsections (19)
408 through (48), respectively, present subsection (31) of that
409 section is amended, and a new subsection (18) is added to that
410 section, to read:

411 327.02 Definitions.—As used in this chapter and in chapter
412 328, unless the context clearly requires a different meaning,
413 the term:

414 (18) "Human-powered vessel" means a vessel powered only by
415 its occupant or occupants, including, but not limited to, a
416 vessel powered only by the occupants' hands or feet, oars, or
417 paddles.

418 (32)~~(31)~~ "Navigation rules" means, for vessels on:

419 (a) Waters outside established navigational lines of
420 demarcation as specified in 33 C.F.R. part 80, the International
421 Navigational Rules Act of 1977, 33 U.S.C. s. 1602, as amended,
422 including the appendix and annexes thereto, through December 31,
423 2020 ~~October 1, 2012.~~

424 (b) All waters not outside of such established lines of
 425 demarcation, the Inland Navigational Rules Act of 1980, 33
 426 C.F.R. parts 83-90, as amended, through December 31, 2020
 427 ~~October 1, 2012~~.

428 Section 4. Section 327.04, Florida Statutes, is amended to
 429 read:

430 327.04 Rules.—The commission may ~~has authority to~~ adopt
 431 rules pursuant to ss. 120.536(1) and 120.54 to implement ~~the~~
 432 ~~provisions of this chapter,~~ the provisions of chapter 705
 433 relating to vessels, and ss. 376.15 and 823.11 conferring powers
 434 or duties upon it.

435 Section 5. Section 327.462, Florida Statutes, is created
 436 to read:

437 327.462 Temporary protection zones for spaceflight
 438 launches and recovery of spaceflight assets.—

439 (1) As used in this section, the term:

440 (a) "Launch services" means the conduct of a launch and
 441 activities involved in the preparation of a launch vehicle,
 442 payload, government astronaut, commercial astronaut, or
 443 spaceflight participant for such launch.

444 (b) "Reentry services" means the conduct of a reentry and
 445 activities involved in the preparation of a reentry vehicle,
 446 payload, government astronaut, commercial astronaut, or
 447 spaceflight participant for such reentry.

448 (c) "Spaceflight assets" means any item, or any part of an
449 item, owned by a spaceflight entity which is used in launch
450 services or reentry services, including crewed and uncrewed
451 spacecraft, launch vehicles, parachutes and other landing aids,
452 and any spacecraft or ancillary equipment that was attached to
453 the launch vehicle during launch, orbit, or reentry.

454 (d) "Spaceflight entity" has the same meaning as provided
455 in s. 331.501.

456 (2) The head of a law enforcement agency or entity
457 identified in s. 327.70(1), or his or her designee, may, upon
458 waters of this state within the law enforcement agency's or
459 entity's jurisdiction, when necessary for preparations in
460 advance of a launch service or reentry service or for the
461 recovery of spaceflight assets before or after a launch service
462 or reentry service, temporarily establish a protection zone
463 requiring vessels to leave, or prohibiting vessels from
464 entering, water bodies within:

465 (a) Five hundred yards of where launch services, reentry
466 services, or spaceflight asset recovery operations are being
467 conducted; or

468 (b) A distance greater than provided in paragraph (a) if
469 the head of such law enforcement agency or entity, or his or her
470 designee, determines such greater distance is in the best
471 interest of public safety.

472 (3) A protection zone established under subsection (2) may
473 remain in effect only as long as necessary to ensure security
474 around the launch and recovery areas and to recover spaceflight
475 assets and any personnel being transported within a spacecraft
476 following the launch or reentry activity. Such protection zone
477 may not be in place more than 72 hours before or 72 hours after
478 the launch. The head of a law enforcement agency or entity
479 identified in s. 327.70(1), or his or her designee, may also
480 restrict vessels from operating within up to 500 yards of any
481 vessel transporting recovered spaceflight assets following a
482 spaceflight launch or reentry while such vessel is continuously
483 underway transporting such assets to a location for removal from
484 the waters of this state.

485 (4) The head of a law enforcement agency or entity
486 establishing a protection zone under this section, or his or her
487 designee, must report the establishment of such protection zone
488 via e-mail to the commission's Division of Law Enforcement,
489 Boating and Waterways Section, and to the appropriate United
490 States Coast Guard Sector Command having responsibility over the
491 water body, at least 72 hours before establishment of the
492 protection zone. Such report must include the reasons for the
493 protection zone, the portion of the water body or water bodies
494 that will be included in the protection zone, and the duration
495 of the protection zone. No later than 72 hours after the end of
496 the protection zone period, the head of the law enforcement

497 agency or entity, or his or her designee, must report via e-mail
 498 to the commission's Division of Law Enforcement, Boating and
 499 Waterways Section, the details of all citations issued for
 500 violating the protection zone.

501 (5) This section applies only to launch services, reentry
 502 services, or the recovery of spaceflight assets occurring or
 503 originating within spaceport territory, as defined in s.
 504 331.304, and to federally licensed or federally authorized
 505 launches and reentries occurring or transiting to an end
 506 destination upon waters of this state.

507 (6) A person who violates this section or any directive
 508 given by a law enforcement officer relating to the establishment
 509 of a protection zone under this section after being advised of
 510 the establishment of the protection zone commits a misdemeanor
 511 of the second degree, punishable as provided in s. 775.082 or s.
 512 775.083.

513 Section 6. Paragraphs (a) and (c) of subsection (1) of
 514 section 327.352, Florida Statutes, are amended to read:

515 327.352 Tests for alcohol, chemical substances, or
 516 controlled substances; implied consent; refusal.—

517 (1)(a)1. The Legislature declares that the operation of a
 518 vessel is a privilege that must be exercised in a reasonable
 519 manner. In order to protect the public health and safety, it is
 520 essential that a lawful and effective means of reducing the
 521 incidence of boating while impaired or intoxicated be

522 established. Therefore, a ~~any~~ person who accepts the privilege
523 extended by the laws of this state of operating a vessel within
524 this state is, by ~~so~~ operating such vessel, deemed to have given
525 his or her consent to submit to an approved chemical test or
526 physical test including, but not limited to, an infrared light
527 test of his or her breath for the purpose of determining the
528 alcoholic content of his or her blood or breath if the person is
529 lawfully arrested for any offense allegedly committed while the
530 person was operating a vessel while under the influence of
531 alcoholic beverages. The chemical or physical breath test must
532 be incidental to a lawful arrest and administered at the request
533 of a law enforcement officer who has reasonable cause to believe
534 such person was operating the vessel within this state while
535 under the influence of alcoholic beverages. The administration
536 of a breath test does not preclude the administration of another
537 type of test. The person shall be told that his or her failure
538 to submit to any lawful test of his or her breath under this
539 chapter will result in a civil penalty of \$500, and shall also
540 be told that if he or she refuses to submit to a lawful test of
541 his or her breath and he or she has been previously fined under
542 s. 327.35215 or has previously had his or her driver license
543 suspended under s. 322.2615 for refusal to submit to any lawful
544 test of his or her breath, urine, or blood, he or she commits a
545 misdemeanor of the first degree, punishable as provided in s.
546 775.082 or s. 775.083, in addition to any other penalties

547 provided by law. The refusal to submit to a chemical or physical
548 breath test upon the request of a law enforcement officer as
549 provided in this section is admissible into evidence in any
550 criminal proceeding.

551 2. A ~~Any~~ person who accepts the privilege extended by the
552 laws of this state of operating a vessel within this state is,
553 by ~~so~~ operating such vessel, deemed to have given his or her
554 consent to submit to a urine test for the purpose of detecting
555 the presence of chemical substances as set forth in s. 877.111
556 or controlled substances if the person is lawfully arrested for
557 any offense allegedly committed while the person was operating a
558 vessel while under the influence of chemical substances or
559 controlled substances. The urine test must be incidental to a
560 lawful arrest and administered at a detention facility or any
561 other facility, mobile or otherwise, which is equipped to
562 administer such tests at the request of a law enforcement
563 officer who has reasonable cause to believe such person was
564 operating a vessel within this state while under the influence
565 of chemical substances or controlled substances. The urine test
566 shall be administered at a detention facility or any other
567 facility, mobile or otherwise, which is equipped to administer
568 such test in a reasonable manner that will ensure the accuracy
569 of the specimen and maintain the privacy of the individual
570 involved. The administration of a urine test does not preclude
571 the administration of another type of test. The person shall be

572 told that his or her failure to submit to any lawful test of his
573 or her urine under this chapter will result in a civil penalty
574 of \$500, and shall also be told that if he or she refuses to
575 submit to a lawful test of his or her urine and he or she has
576 been previously fined under s. 327.35215 or has previously had
577 his or her driver license suspended under s. 322.2615 for
578 refusal to submit to any lawful test of his or her breath,
579 urine, or blood, he or she commits a misdemeanor of the first
580 degree, punishable as provided in s. 775.082 or s. 775.083, in
581 addition to any other penalties provided by law. The refusal to
582 submit to a urine test upon the request of a law enforcement
583 officer as provided in this section is admissible into evidence
584 in any criminal proceeding.

585 (c) A ~~Any~~ person who accepts the privilege extended by the
586 laws of this state of operating a vessel within this state is,
587 by operating such vessel, deemed to have given his or her
588 consent to submit to an approved blood test for the purpose of
589 determining the alcoholic content of the blood or a blood test
590 for the purpose of determining the presence of chemical
591 substances or controlled substances as provided in this section
592 if there is reasonable cause to believe the person was operating
593 a vessel while under the influence of alcoholic beverages or
594 chemical or controlled substances and the person appears for
595 treatment at a hospital, clinic, or other medical facility and
596 the administration of a breath or urine test is impractical or

597 impossible. As used in this paragraph, the term "other medical
598 facility" includes an ambulance or other medical emergency
599 vehicle. The blood test shall be performed in a reasonable
600 manner. A ~~Any~~ person who is incapable of refusal by reason of
601 unconsciousness or other mental or physical condition is deemed
602 not to have withdrawn his or her consent to such test. A ~~Any~~
603 person who is capable of refusal shall be told that his or her
604 failure to submit to such a blood test will result in a civil
605 penalty of \$500 ~~and that a refusal to submit to a lawful test of~~
606 ~~his or her blood, if he or she has previously been fined for~~
607 ~~refusal to submit to any lawful test of his or her breath,~~
608 ~~urine, or blood, is a misdemeanor.~~ The refusal to submit to a
609 blood test upon the request of a law enforcement officer shall
610 be admissible in evidence in any criminal proceeding.

611 Section 7. Section 327.359, Florida Statutes, is amended
612 to read:

613 327.359 Refusal to submit to testing; penalties.—A ~~Any~~
614 person who has refused to submit to a chemical or physical test
615 of his or her breath, ~~blood,~~ or urine, as described in s.
616 327.352, and who has been previously fined under s. 327.35215 or
617 has previously had his or her driver license suspended under s.
618 322.2615 for refusal to submit to a lawful test of his or her
619 breath, urine, or blood, and:

620 (1) Who the arresting law enforcement officer had probable
621 cause to believe was operating or in actual physical control of

622 a vessel in this state while under the influence of alcoholic
 623 beverages, chemical substances, or controlled substances;

624 (2) Who was placed under lawful arrest for a violation of
 625 s. 327.35 unless such test was requested pursuant to s.
 626 327.352(1)(c);

627 (3) Who was informed that if he or she refused to submit
 628 to such test, he or she is subject to a fine of \$500;

629 (4) Who was informed that a refusal to submit to a lawful
 630 test of his or her breath or urine, ~~or blood~~, if he or she has
 631 been previously fined under s. 327.35215 or has previously had
 632 his or her driver license suspended under s. 322.2615 for
 633 refusal to submit to a lawful test of his or her breath, urine,
 634 or blood, is a misdemeanor of the first degree, punishable as
 635 provided in s. 775.082 or s. 775.083; and

636 (5) Who, after having been so informed, refused to submit
 637 to any such test when requested to do so by a law enforcement
 638 officer or correctional officer
 639
 640 commits a misdemeanor of the first degree, punishable ~~and is~~
 641 ~~subject to punishment~~ as provided in s. 775.082 or s. 775.083.

642 Section 8. Section 327.371, Florida Statutes, is created
 643 to read:

644 327.371 Human-powered vessels regulated.-

645 (1) A person may operate a human-powered vessel within the
646 boundaries of the marked channel of the Florida Intracoastal
647 Waterway as defined in s. 327.02:

648 (a) When the marked channel is the only navigable portion
649 of the waterway available due to vessel congestion or
650 obstructions on the water. The operator of the human-powered
651 vessel shall proceed with diligence to a location where he or
652 she may safely operate the vessel outside the marked channel of
653 the Florida Intracoastal Waterway.

654 (b) When crossing the marked channel, provided that the
655 crossing is done in the most direct, continuous, and expeditious
656 manner possible and does not interfere with other vessel traffic
657 in the channel.

658 (c) During an emergency endangering life or limb.

659 (2) A person may not operate a human-powered vessel in the
660 marked channel of the Florida Intracoastal Waterway except as
661 provided in subsection (1).

662 (3) A person who violates this section commits a
663 noncriminal infraction, punishable as provided in s. 327.73.

664 Section 9. Subsection (1) and paragraphs (a) and (b) of
665 subsection (5) of section 327.391, Florida Statutes, are amended
666 to read:

667 327.391 Airboats regulated.—

668 (1) The exhaust of every internal combustion engine used
669 on any airboat operated on the waters of this state shall be

670 provided with an automotive-style factory muffler, underwater
 671 exhaust, or other manufactured device capable of adequately
 672 muffling the sound of the exhaust of the engine as described in
 673 s. 327.02 ~~s. 327.02(30)~~. The use of cutouts or flex pipe as the
 674 sole source of muffling is prohibited, except as provided in
 675 subsection (4). A ~~Any~~ person who violates this subsection
 676 commits a noncriminal infraction, punishable as provided in s.
 677 327.73(1).

678 (5) (a) ~~Beginning July 1, 2019,~~ A person may not operate an
 679 airboat to carry one or more passengers for hire on waters of
 680 this ~~the~~ state unless he or she has all of the following onboard
 681 the airboat:

682 1. A photographic identification card.

683 2. Proof of completion of a boater education course that
 684 complies with s. 327.395(2) (a) ~~s. 327.395(1) (a)~~. Except as
 685 provided in paragraph (b), no operator is exempt from this
 686 requirement, regardless of age or the exemptions provided under
 687 s. 327.395.

688 3. Proof of successful completion of a commission-approved
 689 airboat operator course that meets the minimum standards
 690 established by commission rule.

691 4. Proof of successful course completion in
 692 cardiopulmonary resuscitation and first aid.

693 (b) A person issued a captain's license by the United
 694 States Coast Guard is not required to complete a boating safety

695 education course that complies with s. 327.395(2)(a) ~~s.~~
 696 ~~327.395(1)(a)~~. Proof of the captain's license must be onboard
 697 the airboat when carrying one or more passengers for hire on
 698 waters of this ~~the~~ state.

699 Section 10. Section 327.395, Florida Statutes, is amended
 700 to read:

701 327.395 Boating safety education.—

702 (1) (a) A person born on or after January 1, 1988, may not
 703 operate a vessel powered by a motor of 10 horsepower or greater
 704 unless such person has in his or her possession aboard the
 705 vessel the documents required by subsection (2).

706 (b) Beginning January 1, 2023, a person, regardless of his
 707 or her date of birth, may not operate a vessel powered by a
 708 motor of 10 horsepower or greater unless such person has in his
 709 or her possession aboard the vessel the documents required by
 710 subsection (2).

711 (2) While operating a vessel, a person must have in his or
 712 her possession aboard the vessel photographic identification and
 713 a boating safety identification card issued by the commission, a
 714 state-issued identification card or driver license indicating
 715 possession of the boating safety identification card, or
 716 photographic identification and a temporary certificate issued
 717 or approved by the commission, which shows that he or she has:

718 (a) Completed a commission-approved boating safety
 719 education course that meets the minimum requirements established

720 by the National Association of State Boating Law Administrators;
721 or

722 (b) Passed a temporary certificate examination developed
723 or approved by the commission.

724 (3) (a) ~~(2) (a)~~ A person may obtain a boating safety
725 identification card by successfully completing a boating safety
726 education course that meets the requirements of this section and
727 rules adopted by the commission pursuant to this section.

728 (b) A person may obtain a temporary certificate by passing
729 a temporary certificate examination that meets the requirements
730 of this section and rules adopted by the commission pursuant to
731 this section.

732 (4) (3) ~~A~~ Any commission-approved boating safety education
733 course or temporary certificate examination developed or
734 approved by the commission must include a component regarding
735 diving vessels, awareness of divers in the water, divers-down
736 warning devices, and the requirements of s. 327.331.

737 ~~(4) The commission may appoint liveries, marinas, or other~~
738 ~~persons as its agents to administer the course or temporary~~
739 ~~certificate examination and issue identification cards or~~
740 ~~temporary certificates in digital, electronic, or paper format~~
741 ~~under guidelines established by the commission. An agent must~~
742 ~~charge the \$2 examination fee, which must be forwarded to the~~
743 ~~commission with proof of passage of the examination and may~~
744 ~~charge and keep a \$1 service fee.~~

745 (5) A boating safety identification card issued to a
 746 person who has completed a boating safety education course is
 747 valid for life. A temporary certificate issued to a person who
 748 has passed a temporary certification examination is valid for 90
 749 days after the date of issuance. The commission may issue either
 750 the boating safety identification card or the temporary
 751 certificate in a digital, electronic, or paper format.

752 (6) A person is exempt from subsection (1) if he or she:

753 (a) 1. Is licensed by the United States Coast Guard to
 754 serve as master of a vessel; or

755 2. Has been previously licensed by the United States Coast
 756 Guard to serve as master of a vessel, provides proof of such
 757 licensure to the commission, and requests that a boating safety
 758 identification card be issued in his or her name.

759 (b) Operates a vessel only on a private lake or pond.

760 (c) Is accompanied in the vessel by a person who is exempt
 761 from this section or who holds a boating safety identification
 762 card in compliance with this section, who is 18 years of age or
 763 older, and who is attendant to the operation of the vessel and
 764 responsible for the safe operation of the vessel and for any
 765 violation that occurs during the operation of the vessel.

766 (d) Is a nonresident who has in his or her possession
 767 photographic identification and proof that he or she has
 768 completed a boating safety education course or equivalency
 769 examination in another state or a United States territory which

770 meets or exceeds the minimum requirements established by the
771 National Association of State Boating Law Administrators.

772 (e) Is operating a vessel within 90 days after the
773 purchase of that vessel and has available for inspection aboard
774 that vessel a bill of sale meeting the requirements of s.
775 328.46(1).

776 (f) Is operating a vessel within 90 days after completing
777 a boating safety education course in accordance with paragraph
778 (2) (a) ~~the requirements of paragraph (1) (a)~~ and has a
779 photographic identification card and a boating safety education
780 certificate available for inspection as proof of having
781 completed a boating safety education course. The boating safety
782 education certificate must provide, at a minimum, the student's
783 first and last name, the student's date of birth, and the date
784 that he or she passed the course examination.

785 (g) Is exempted by rule of the commission.

786 (7) A person who operates a vessel in violation of this
787 section ~~subsection (1)~~ commits a noncriminal infraction,
788 punishable as provided in s. 327.73.

789 (8) The commission shall institute and coordinate a
790 statewide program of boating safety instruction and
791 certification to ensure that boating safety courses and
792 examinations are available in each county of this ~~the~~ state. The
793 commission may appoint agents to administer the boating safety
794 education course or temporary certificate examination and may

795 authorize the agents to issue temporary certificates in digital,
796 electronic, or paper format. An agent ~~The agents~~ shall charge
797 and collect the \$2 fee required in subsection (9) for each
798 temporary certificate requested of the commission by that agent,
799 which must be forwarded to the commission. The agent may charge
800 and keep a \$1 service fee.

801 (9) The commission may ~~is authorized to~~ establish and ~~to~~
802 collect a \$2 fee for each card and temporary certificate issued
803 pursuant to this section.

804 (10) The commission shall design forms and adopt rules
805 pursuant to chapter 120 to implement ~~the provisions of~~ this
806 section.

807 (11) This section may be cited as the "Osmany 'Ozzie'
808 Castellanos Boating Safety Education Act."

809 Section 11. Subsection (5) of section 327.4107, Florida
810 Statutes, is renumbered as subsection (6), paragraph (e) of
811 subsection (2) of that section is amended, and new subsections
812 (5) and (7) are added to that section, to read:

813 327.4107 Vessels at risk of becoming derelict on waters of
814 this state.—

815 (2) An officer of the commission or of a law enforcement
816 agency specified in s. 327.70 may determine that a vessel is at
817 risk of becoming derelict if any of the following conditions
818 exist:

819 (e) The vessel does not have an effective means of
820 propulsion for safe navigation within 72 hours after the vessel
821 owner or operator receives telephonic notice, in-person notice
822 recorded on an agency-approved body camera, or written notice,
823 which may be provided by facsimile, electronic mail, or other
824 electronic means, stating such from an officer, and the vessel
825 owner or operator is unable to provide a receipt, proof of
826 purchase, or other documentation of having ordered necessary
827 parts for vessel repair. The commission may adopt rules to
828 implement this paragraph.

829 (5) The commission, an officer of the commission, or a law
830 enforcement agency or officer specified in s. 327.70 may
831 relocate or cause to be relocated an at-risk vessel found to be
832 in violation of this section to a distance greater than 20 feet
833 from a mangrove or upland vegetation. The commission, an officer
834 of the commission, or a law enforcement agency or officer acting
835 pursuant to this subsection upon waters of this state shall be
836 held harmless for all damages to the at-risk vessel resulting
837 from such relocation unless the damage results from gross
838 negligence or willful misconduct as these terms are defined in
839 s. 823.11.

840 (7) The commission may establish a derelict vessel
841 prevention program to address vessels at risk of becoming
842 derelict. Such program may, but is not required to, include:

843 (a) Removal, relocation, and destruction of vessels
844 declared a public nuisance, derelict or at risk of becoming
845 derelict, or lost or abandoned in accordance with s. 327.521(2),
846 s. 327.53(7), s. 327.73(1)(aa), s. 705.103(2) and (4), or s.
847 823.11(3).

848 (b) Creation of a vessel turn-in program allowing the
849 owner of a vessel determined by law enforcement to be at risk of
850 becoming derelict in accordance with this section to turn his or
851 her vessel and vessel title over to the commission to be
852 destroyed without penalty.

853 (c) Providing for removal and destruction of an abandoned
854 vessel for which an owner cannot be identified or the owner of
855 which is deceased and no heir is interested in acquiring the
856 vessel.

857 (d) Purchase of anchor line, anchors, and other equipment
858 necessary for securing vessels at risk of becoming derelict.

859 (e) Creating or acquiring moorings designated for securing
860 vessels at risk of becoming derelict.

861
862 The derelict vessel prevention program created pursuant to this
863 subsection may include other preventative efforts and methods as
864 determined appropriate and necessary by the commission. The
865 commission may adopt rules to implement this subsection.

866 Implementation of the derelict vessel prevention program shall
867 be subject to appropriation by the Legislature and shall be

868 funded by the Marine Resources Conservation Trust Fund or the
869 Florida Coastal Protection Trust Fund.

870 Section 12. Section 327.4108, Florida Statutes, is amended
871 to read:

872 327.4108 Anchoring of vessels in anchoring limitation
873 areas.—

874 (1) The following densely populated urban areas, which
875 have narrow state waterways, residential docking facilities, and
876 significant recreational boating traffic, are designated as
877 anchoring limitation areas within which a person may not anchor
878 a vessel at any time during the period between one-half hour
879 after sunset and one-half hour before sunrise, except as
880 provided in subsections (3) and (4):

881 (a) The section of Middle River lying between Northeast
882 21st Court and the Intracoastal Waterway in Broward County.

883 (b) Sunset Lake in Miami-Dade County.

884 (c) The sections of Biscayne Bay in Miami-Dade County
885 lying between:

886 1. Rivo Alto Island and Di Lido Island.

887 2. San Marino Island and San Marco Island.

888 3. San Marco Island and Biscayne Island.

889 (2) (a) Monroe County is designated as an anchoring
890 limitation area within which a vessel may only be anchored in
891 the same location for a maximum of 90 days. The commission shall
892 adopt rules to implement this subsection.

893 (b) This subsection does not apply to an approved and
 894 permitted mooring field.

895 ~~(2) To promote the public's use and enjoyment of the~~
 896 ~~designated waterway, except as provided in subsections (3) and~~
 897 ~~(4), a person may not anchor a vessel at any time during the~~
 898 ~~period between one-half hour after sunset and one-half hour~~
 899 ~~before sunrise in an anchoring limitation area.~~

900 (3) Notwithstanding subsections(1) and subsection (2), a
 901 person may anchor a vessel in an anchoring limitation area
 902 during a time that would otherwise be unlawful:

903 (a) If the vessel suffers a mechanical failure that poses
 904 an unreasonable risk of harm to the vessel or the persons
 905 onboard unless the vessel anchors. The vessel may anchor for 3
 906 business days or until the vessel is repaired, whichever occurs
 907 first.

908 (b) If imminent or existing weather conditions in the
 909 vicinity of the vessel pose an unreasonable risk of harm to the
 910 vessel or the persons onboard unless the vessel anchors. The
 911 vessel may anchor until weather conditions no longer pose such
 912 risk. During a hurricane or tropical storm, weather conditions
 913 are deemed to no longer pose an unreasonable risk of harm when
 914 the hurricane or tropical storm warning affecting the area has
 915 expired.

916 (c) During events described in s. 327.48 or other special
 917 events, including, but not limited to, public music

918 | performances, local government waterfront activities, or
 919 | fireworks displays. A vessel may anchor for the lesser of the
 920 | duration of the special event or 3 days.

921 | (4) This section does not apply to:

922 | (a) Vessels owned or operated by a governmental entity for
 923 | law enforcement, firefighting, military, or rescue purposes.

924 | (b) Construction or dredging vessels on an active job
 925 | site.

926 | (c) Vessels actively engaged in commercial fishing.

927 | (d) Vessels engaged in recreational fishing if the persons
 928 | onboard are actively tending hook and line fishing gear or nets.

929 | (5) (a) As used in this subsection, the term "law
 930 | enforcement officer or agency" means an officer or agency
 931 | authorized to enforce this section pursuant to s. 327.70.

932 | (b) A law enforcement officer or agency may remove a
 933 | vessel from an anchoring limitation area and impound the vessel
 934 | for up to 48 hours, or cause such removal and impoundment, if
 935 | the vessel operator, after being issued a citation for a
 936 | violation of this section:

937 | 1. Anchors the vessel in violation of this section within
 938 | 12 hours after being issued the citation; or

939 | 2. Refuses to leave the anchoring limitation area after
 940 | being directed to do so by a law enforcement officer or agency.

941 | (c) A law enforcement officer or agency acting under this
 942 | subsection to remove or impound a vessel, or to cause such

943 removal or impoundment, shall be held harmless for any damage to
944 the vessel resulting from such removal or impoundment unless the
945 damage results from gross negligence or willful misconduct.

946 (d) A contractor performing removal or impoundment
947 services at the direction of a law enforcement officer or agency
948 pursuant to this subsection must:

949 1. Be licensed in accordance with United States Coast
950 Guard regulations, as applicable.

951 2. Obtain and carry a current policy issued by a licensed
952 insurance carrier in this state to insure against any accident,
953 loss, injury, property damage, or other casualty caused by or
954 resulting from the contractor's actions.

955 3. Be properly equipped to perform such services.

956 (e) In addition to the civil penalty imposed under s.
957 327.73(1)(z), the operator of a vessel that is removed and
958 impounded pursuant to paragraph (b) must pay all removal and
959 storage fees before the vessel is released. A vessel removed
960 pursuant to paragraph (b) may not be impounded for longer than
961 48 hours.

962 (6) A violation of this section is punishable as provided
963 in s. 327.73(1)(z).

964 ~~(7) This section shall remain in effect notwithstanding~~
965 ~~the Legislature's adoption of the commission's recommendations~~
966 ~~for the regulation of mooring vessels outside of public mooring~~
967 ~~fields pursuant to s. 327.4105.~~

968 Section 13. Paragraph (a) of subsection (1) and subsection
969 (2) of section 327.4109, Florida Statutes, are amended to read:
970 327.4109 Anchoring or mooring prohibited; exceptions;
971 penalties.—

972 (1) (a) The owner or operator of a vessel or floating
973 structure may not anchor or moor such that the nearest approach
974 of the anchored or moored vessel or floating structure is:

975 1. Within 150 feet of any public or private marina, boat
976 ramp, boatyard, or other public vessel launching or loading
977 facility;

978 2. Within 300 feet of a superyacht repair facility. For
979 purposes of this subparagraph, the term "superyacht repair
980 facility" means a facility that services or repairs a yacht with
981 a water line of 120 feet or more in length; or

982 3. Within 100 feet outward from the marked boundary of a
983 public mooring field or a lesser distance if approved by the
984 commission upon request of a local government within which the
985 mooring field is located. The commission may adopt rules to
986 implement this subparagraph.

987 (2) Notwithstanding subsection (1), an owner or operator
988 of a vessel may anchor or moor within 150 feet of any public or
989 private marina, boat ramp, boatyard, or other public vessel
990 launching or loading facility; within 300 feet of a superyacht
991 repair facility; or within 100 feet outward from the marked
992 boundary of a public mooring field if:

993 (a) The vessel suffers a mechanical failure that poses an
 994 unreasonable risk of harm to the vessel or the persons onboard
 995 such vessel. The owner or operator of the vessel may anchor or
 996 moor for 5 business days or until the vessel is repaired,
 997 whichever occurs first.

998 (b) Imminent or existing weather conditions in the
 999 vicinity of the vessel pose an unreasonable risk of harm to the
 1000 vessel or the persons onboard such vessel. The owner or operator
 1001 of the vessel may anchor or moor until weather conditions no
 1002 longer pose such risk. During a hurricane or tropical storm,
 1003 weather conditions are deemed to no longer pose an unreasonable
 1004 risk of harm when the hurricane or tropical storm warning
 1005 affecting the area has expired.

1006 Section 14. Subsection (2) of section 327.45, Florida
 1007 Statutes, is amended to read:

1008 327.45 Protection zones for springs.-

1009 (2) The commission may establish by rule protection zones
 1010 that restrict the speed and operation of vessels or prohibit the
 1011 anchoring, mooring, beaching, or grounding of vessels to protect
 1012 and prevent harm to first, second, and third magnitude springs
 1013 and spring groups, including their associated spring runs, as
 1014 determined by the commission using the most recent Florida
 1015 Geological Survey springs bulletin. This harm includes negative
 1016 impacts to water quality, water quantity, hydrology, wetlands,
 1017 and aquatic and wetland-dependent species.

1018 Section 15. Paragraph (b) of subsection (1) of section
 1019 327.46, Florida Statutes, is amended to read:

1020 327.46 Boating-restricted areas.—

1021 (1) Boating-restricted areas, including, but not limited
 1022 to, restrictions of vessel speeds and vessel traffic, may be
 1023 established on the waters of this state for any purpose
 1024 necessary to protect the safety of the public if such
 1025 restrictions are necessary based on boating accidents,
 1026 visibility, hazardous currents or water levels, vessel traffic
 1027 congestion, or other navigational hazards or to protect
 1028 seagrasses on privately owned submerged lands.

1029 (b) Municipalities and counties may ~~have the authority to~~
 1030 establish the following boating-restricted areas by ordinance:

1031 1. An ordinance establishing an idle speed, no wake
 1032 boating-restricted area, if the area is:

1033 a. Within 500 feet of any boat ramp, hoist, marine
 1034 railway, or other launching or landing facility available for
 1035 use by the general boating public on waterways more than 300
 1036 feet in width or within 300 feet of any boat ramp, hoist, marine
 1037 railway, or other launching or landing facility available for
 1038 use by the general boating public on waterways not exceeding 300
 1039 feet in width.

1040 b. Within 500 feet of fuel pumps or dispensers at any
 1041 marine fueling facility that sells motor fuel to the general
 1042 boating public on waterways more than 300 feet in width or

1043 within 300 feet of the fuel pumps or dispensers at any licensed
 1044 terminal facility that sells motor fuel to the general boating
 1045 public on waterways not exceeding 300 feet in width.

1046 c. Inside or within 300 feet of any lock structure.

1047 2. An ordinance establishing a slow speed, minimum wake
 1048 boating-restricted area if the area is:

1049 a. Within 300 feet of any bridge fender system.

1050 b. Within 300 feet of any bridge span presenting a
 1051 vertical clearance of less than 25 feet or a horizontal
 1052 clearance of less than 100 feet.

1053 c. On a creek, stream, canal, or similar linear waterway
 1054 if the waterway is less than 75 feet in width from shoreline to
 1055 shoreline.

1056 d. On a lake or pond of less than 10 acres in total
 1057 surface area.

1058 e. Within the boundaries of a permitted public mooring
 1059 field and a buffer around the mooring field of up to 100 feet.

1060 3. An ordinance establishing a vessel-exclusion zone if
 1061 the area is:

1062 a. Designated as a public bathing beach or swim area.

1063 b. Within 300 feet of a dam, spillway, or flood control
 1064 structure.

1065 4. Notwithstanding the prohibition in s. 327.60(2)(c),
 1066 within the portion of the Florida Intracoastal Waterway within
 1067 their jurisdiction, except that the municipality or county may

1068 not establish a vessel-exclusion zone for public bathing beaches
 1069 or swim areas within the waterway.

1070 Section 16. Section 327.463, Florida Statutes, is created
 1071 to read:

1072 327.463 Special hazards.—

1073 (1) For purposes of this section, a vessel:

1074 (a) Is operating at slow speed, minimum wake only if it
 1075 is:

1076 1. Fully off plane and completely settled into the water;

1077 and

1078 2. Proceeding without wake or with minimum wake.

1079

1080 A vessel that is operating at slow speed, minimum wake may not
 1081 proceed at a speed greater than a speed that is reasonable and
 1082 prudent to avoid the creation of an excessive wake or other
 1083 hazardous condition under the existing circumstances.

1084 (b) Is not proceeding at slow speed, minimum wake if it
 1085 is:

1086 1. Operating on plane;

1087 2. In the process of coming off plane and settling into
 1088 the water or getting on plane; or

1089 3. Operating at a speed that creates a wake that
 1090 unreasonably or unnecessarily endangers other vessels.

1091 (2) A person may not operate a vessel faster than slow
 1092 speed, minimum wake within 300 feet of any emergency vessel,

1093 including, but not limited to, a law enforcement vessel, United
1094 States Coast Guard vessel, or firefighting vessel, when such
1095 emergency vessel's emergency lights are activated.

1096 (3) (a) A person may not operate a vessel faster than slow
1097 speed, minimum wake within 300 feet of any construction vessel
1098 or barge when the vessel or barge is displaying an orange flag
1099 from a pole extending:

1100 1. At least 10 feet above the tallest portion of the
1101 vessel or barge, indicating that the vessel or barge is actively
1102 engaged in construction operations; or

1103 2. At least 5 feet above any superstructure permanently
1104 installed upon the vessel or barge, indicating that the vessel
1105 or barge is actively engaged in construction operations.

1106 (b) A flag displayed on a construction vessel or barge
1107 pursuant to this subsection must:

1108 1. Be at least 2 feet by 3 feet in size.

1109 2. Have a wire or other stiffener or be otherwise
1110 constructed to ensure that the flag remains fully unfurled and
1111 extended in the absence of a wind or breeze.

1112 3. Be displayed so that the visibility of the flag is not
1113 obscured in any direction.

1114 (c) In periods of low visibility, including any time
1115 between 30 minutes after sunset and 30 minutes before sunrise, a
1116 person may not be cited for a violation of this subsection
1117 unless the orange flag is illuminated and visible from a

1118 distance of at least 2 nautical miles. Such illumination does
 1119 not relieve the construction vessel or barge from complying with
 1120 all navigation rules.

1121 (4) (a) A person operating a vessel in violation of this
 1122 section commits a noncriminal infraction, punishable as provided
 1123 in s. 327.73.

1124 (b) The owner of, or party who is responsible for, a
 1125 construction vessel or barge who displays an orange flag on the
 1126 vessel or barge when it is not actively engaged in construction
 1127 operations commits a noncriminal infraction, punishable as
 1128 provided in s. 327.73.

1129 (5) The speed and penalty provisions of this section do
 1130 not apply to a law enforcement, firefighting, or rescue vessel
 1131 that is owned or operated by a governmental entity.

1132 Section 17. Paragraph (a) of subsection (1) of section
 1133 327.50, Florida Statutes, is amended to read:

1134 327.50 Vessel safety regulations; equipment and lighting
 1135 requirements.—

1136 (1) (a) The owner and operator of every vessel on the
 1137 waters of this state shall carry, store, maintain, and use
 1138 safety equipment in accordance with current United States Coast
 1139 Guard safety equipment requirements as specified in the Code of
 1140 Federal Regulations, unless expressly exempted by the commission
 1141 department.

1142 Section 18. Section 327.521, Florida Statutes, is created

1143 to read:

1144 327.521 No-discharge zones.—Effective upon approval by the
1145 United States Environmental Protection Agency of a no-discharge
1146 zone determination for the waters of the United States within
1147 the territorial limits of this state:

1148 (1) All waters of this state are designated no-discharge
1149 zones. A person may not discharge sewage of any type, whether
1150 treated or untreated, from any vessel or floating structure into
1151 waters of this state. A person who violates this subsection
1152 commits a noncriminal infraction, punishable by a civil penalty
1153 of up to \$250. If any discharge prohibited by this subsection is
1154 ongoing or continuous, the person may be assessed a penalty of
1155 up to \$250 for each day the violation continues.

1156 (2) A vessel or floating structure in violation of this
1157 section is declared a nuisance and a hazard to public safety and
1158 health. The owner or operator of a vessel or floating structure
1159 convicted a second time for violating this section shall, within
1160 30 days following the conviction, remove the vessel or floating
1161 structure from the waters of this state. If the vessel or
1162 floating structure remains on the waters of this state in
1163 violation of this subsection, law enforcement officers charged
1164 with the enforcement of this chapter under s. 327.70 shall apply
1165 to the appropriate court in the county in which the vessel or
1166 floating structure is located to order or otherwise cause the
1167 removal of such vessel or floating structure from the waters of

1168 this state at the owner's expense. If the owner cannot be found
 1169 or otherwise fails to pay the removal costs, the provisions of
 1170 s. 328.17 shall apply. If the proceeds under s. 328.17 are not
 1171 sufficient to pay all removal costs, funds appropriated from the
 1172 Marine Resources Conservation Trust Fund pursuant to s.
 1173 327.53(6) (b) or s. 328.72(15) (c) may be used.

1174 (3) For purposes of this section, the term "conviction"
 1175 means a disposition other than acquittal or dismissal.

1176 Section 19. Paragraph (a) of subsection (6) and subsection
 1177 (7) of section 327.53, Florida Statutes, are amended, and
 1178 subsection (8) is added to that section, to read:

1179 327.53 Marine sanitation.—

1180 (6) (a) A violation of this section is a noncriminal
 1181 infraction, punishable as provided in s. 327.73. Each violation
 1182 shall be a separate offense. The owner and operator of any
 1183 vessel shall be jointly and severally liable for the civil
 1184 penalty imposed pursuant to this section.

1185 (7) A ~~Any~~ vessel or floating structure operated or
 1186 occupied on the waters of this ~~the~~ state in violation of this
 1187 section is declared a nuisance and a hazard to public safety and
 1188 health. The owner or operator of a ~~any~~ vessel or floating
 1189 structure cited for violating this section shall, within 30 days
 1190 following the issuance of the citation, correct the violation
 1191 for which the citation was issued or remove the vessel or
 1192 floating structure from the waters of this ~~the~~ state. If the

1193 violation is not corrected within the 30 days and the vessel or
 1194 floating structure remains on the waters of this ~~the~~ state in
 1195 violation of this section, law enforcement officers charged with
 1196 the enforcement of this chapter under s. 327.70 shall apply to
 1197 the appropriate court in the county in which the vessel or
 1198 floating structure is located, ~~to~~ order or otherwise cause the
 1199 removal of such vessel or floating structure from the waters of
 1200 this ~~the~~ state at the owner's expense. If the owner cannot be
 1201 found or otherwise fails to pay the removal costs, the
 1202 provisions of s. 328.17 shall apply. If the proceeds under s.
 1203 328.17 are not sufficient to pay all removal costs, funds
 1204 appropriated from the Marine Resources Conservation Trust Fund
 1205 pursuant to paragraph (6) (b) or s. 328.72(15) (c) ~~s. 328.72(16)~~
 1206 may be used.

1207 (8) The owner or operator of a live-aboard vessel as
 1208 defined in s. 327.02(23) (a) or (c), or a houseboat as defined in
 1209 s. 327.02(17), that is equipped with a marine sanitation device
 1210 or a sanitation device-type toilet that processes and manages
 1211 human waste using currently accepted composted marine toilet
 1212 technologies that meet United States Coast Guard standards must
 1213 maintain a record of the date of each pumpout of the marine
 1214 sanitation device or sanitation device-type toilet and the
 1215 location of the pumpout station or waste reception facility.
 1216 Each record must be maintained for 1 year after the date of the
 1217 pumpout.

1218 Section 20. Subsection (2) of section 327.54, Florida
 1219 Statutes, is amended to read:

1220 327.54 Liveries; safety regulations; penalty.—

1221 (2) A livery may not knowingly lease, hire, or rent a ~~any~~
 1222 vessel ~~powered by a motor of 10 horsepower or greater to a~~ any
 1223 person who is required to comply with s. 327.395~~7~~, unless such
 1224 person presents to the livery photographic identification and a
 1225 valid boater safety identification card issued by the
 1226 commission, a state-issued identification card or driver license
 1227 indicating possession of the boating safety identification card,
 1228 or photographic identification and a valid temporary certificate
 1229 issued or approved by the commission as required under s.
 1230 327.395(2) ~~s. 327.395(1)~~, or meets the exemption provided under
 1231 s. 327.395(6) (f).

1232 Section 21. Subsection (5) of section 327.60, Florida
 1233 Statutes, is amended to read:

1234 327.60 Local regulations; limitations.—

1235 (5) A local government may enact and enforce regulations
 1236 to implement the procedures for abandoned or lost property that
 1237 allow the local law enforcement agency to remove a vessel
 1238 affixed to a public dock or mooring within its jurisdiction that
 1239 is abandoned or lost property pursuant to s. 705.103(1). Such
 1240 regulation must require the local law enforcement agency to post
 1241 a written notice at least 24 hours before removing the vessel.

1242 Section 22. Paragraphs (q), (s), and (aa) of subsection

1243 (1) of section 327.73, Florida Statutes, are amended, and
 1244 paragraphs (cc), (dd), and (ee) are added to that subsection, to
 1245 read:

1246 327.73 Noncriminal infractions.—

1247 (1) Violations of the following provisions of the vessel
 1248 laws of this state are noncriminal infractions:

1249 (q) Section 327.53(1), (2), ~~and (3)~~, and (8), relating to
 1250 marine sanitation.

1251 (s) Section 327.395, relating to boater safety education.
 1252 However, a person cited for violating the requirements of s.
 1253 327.395 relating to failure to have required proof of boating
 1254 safety education in his or her possession may not be convicted
 1255 if, before or at the time of a county court hearing, the person
 1256 produces proof of the boating safety education identification
 1257 card or temporary certificate for verification by the hearing
 1258 officer or the court clerk and the identification card or
 1259 temporary certificate was valid at the time the person was
 1260 cited.

1261 (aa) Section 327.4107, relating to vessels at risk of
 1262 becoming derelict on waters of this state, for which the civil
 1263 penalty is:

- 1264 1. For a first offense, \$100 ~~\$50~~.
- 1265 2. For a second offense occurring 30 days or more after a
 1266 first offense, \$250 ~~\$100~~.

1267 3. For a third or subsequent offense occurring 30 days or
1268 more after a previous offense, \$500 ~~\$250~~.

1269
1270 A vessel that is the subject of three or more violations issued
1271 pursuant to the same paragraph of s. 327.4107(2) within an 18-
1272 month period which result in dispositions other than acquittal
1273 or dismissal shall be declared to be a public nuisance and
1274 subject to ss. 705.103(2) and (4) and 823.11(3). The commission,
1275 an officer of the commission, or a law enforcement agency or
1276 officer specified in s. 327.70 may relocate, remove, or cause to
1277 be relocated or removed such public nuisance vessels from waters
1278 of this state. The commission, an officer of the commission, or
1279 a law enforcement agency or officer acting pursuant to this
1280 paragraph upon waters of this state shall be held harmless for
1281 all damages to the vessel resulting from such relocation or
1282 removal unless the damage results from gross negligence or
1283 willful misconduct as these terms are defined in s. 823.11.

1284 (cc) Section 327.463(4) (a) and (b), relating to vessels
1285 creating special hazards, for which the penalty is:

1286 1. For a first offense, \$50.

1287 2. For a second offense occurring within 12 months after a
1288 prior offense, \$100.

1289 3. For a third offense occurring within 36 months after a
1290 prior offense, \$250.

1291 (dd) Section 327.371, relating to the regulation of human-
 1292 powered vessels.

1293 (ee) Section 327.521, relating to no-discharge zones, for
 1294 which the penalty is up to \$250 for each offense.

1295
 1296 Any person cited for a violation of any provision of this
 1297 subsection shall be deemed to be charged with a noncriminal
 1298 infraction, shall be cited for such an infraction, and shall be
 1299 cited to appear before the county court. The civil penalty for
 1300 any such infraction is \$50, except as otherwise provided in this
 1301 section. Any person who fails to appear or otherwise properly
 1302 respond to a uniform boating citation shall, in addition to the
 1303 charge relating to the violation of the boating laws of this
 1304 state, be charged with the offense of failing to respond to such
 1305 citation and, upon conviction, be guilty of a misdemeanor of the
 1306 second degree, punishable as provided in s. 775.082 or s.
 1307 775.083. A written warning to this effect shall be provided at
 1308 the time such uniform boating citation is issued.

1309 Section 23. Subsection (4) of section 328.09, Florida
 1310 Statutes, is amended to read:

1311 328.09 Refusal to issue and authority to cancel a
 1312 certificate of title or registration.—

1313 (4) The department may not issue a certificate of title to
 1314 an ~~any~~ applicant for a ~~any~~ vessel that has been deemed derelict
 1315 by a law enforcement officer under s. 376.15 or s. 823.11. A law

1316 enforcement officer must inform the department in writing, which
1317 may be provided by facsimile, electronic mail, or other
1318 electronic means, of the vessel's derelict status and supply the
1319 department with the vessel title number or vessel identification
1320 number. The department may issue a certificate of title once a
1321 law enforcement officer has verified in writing, which may be
1322 provided by facsimile, electronic mail, or other electronic
1323 means, that the vessel is no longer a derelict vessel.

1324 Section 24. Effective July 1, 2023, paragraph (e) of
1325 subsection (3) of section 328.09, Florida Statutes, as amended
1326 by section 12 of chapter 2019-76, Laws of Florida, is amended to
1327 read:

1328 328.09 Refusal to issue and authority to cancel a
1329 certificate of title or registration.—

1330 (3) Except as otherwise provided in subsection (4), the
1331 department may reject an application for a certificate of title
1332 only if:

1333 (e) The application is for a vessel that has been deemed
1334 derelict by a law enforcement officer under s. 376.15 or s.
1335 823.11. In such case, a law enforcement officer must inform the
1336 department in writing, which may be provided by facsimile, e-
1337 mail, or other electronic means, of the vessel's derelict status
1338 and supply the department with the vessel title number or vessel
1339 identification number. The department may issue a certificate of
1340 title once a law enforcement officer has verified in writing,

1341 | which may be provided by facsimile, e-mail, or other electronic
 1342 | means, that the vessel is no longer a derelict vessel.

1343 | Section 25. Section 376.15, Florida Statutes, is amended
 1344 | to read:

1345 | 376.15 Derelict vessels; relocation or removal from ~~public~~
 1346 | waters of this state.-

1347 | (1) As used in this section, the term:

1348 | (a) "Commission" means the Fish and Wildlife Conservation
 1349 | Commission.

1350 | (b) "Gross negligence" means conduct so reckless or
 1351 | wanting in care that it constitutes a conscious disregard or
 1352 | indifference to the safety of the property exposed to such
 1353 | conduct.

1354 | (c) "Willful misconduct" means conduct evidencing
 1355 | carelessness or negligence of such a degree or recurrence as to
 1356 | manifest culpability, wrongful intent, or evil design or to show
 1357 | an intentional and substantial disregard of the interests of the
 1358 | vessel owner.

1359 | (2) (a) It is unlawful for any person, firm, or corporation
 1360 | to ~~store, leave, or abandon~~ any derelict vessel as defined in s.
 1361 | 823.11 upon the waters of ~~in~~ this state. For purposes of this
 1362 | paragraph, the term "leave" means to allow a vessel to remain
 1363 | occupied or unoccupied on the waters of this state for more than
 1364 | 24 hours.

1365 (b) Notwithstanding paragraph (a), a person who owns or
1366 operates a vessel that becomes derelict upon the waters of this
1367 state solely as a result of a boating accident that is reported
1368 to law enforcement in accordance with s. 327.301 or otherwise
1369 reported to law enforcement; a hurricane; or another sudden
1370 event outside of his or her control may not be charged with a
1371 violation if:

1372 1. The person documents for law enforcement the specific
1373 event that led to the vessel being derelict upon the waters of
1374 this state; and

1375 2. The vessel has been removed from the waters of this
1376 state or has been repaired or addressed and is no longer
1377 derelict upon the waters of this state:

1378 a. Within 7 days after a boating accident or other sudden
1379 event outside of his or her control; or

1380 b. Within 45 days after a hurricane has passed over this
1381 state.

1382 (c) This subsection does not apply to a vessel that was
1383 derelict upon the waters of this state before the stated
1384 accident or event.

1385 (3) (a) The commission, an officer ~~officers~~ of the
1386 commission, or a ~~and any~~ law enforcement agency or officer
1387 specified in s. 327.70 may ~~are authorized and empowered to~~
1388 relocate, remove, store, destroy, or dispose of or cause to be
1389 relocated, ~~or~~ removed, stored, destroyed, or disposed of a any

1390 derelict vessel as defined in s. 823.11 from ~~public~~ waters of
 1391 this state as defined in s. 327.02. All costs, including costs
 1392 owed to a third party, incurred by the commission or other law
 1393 enforcement agency in the relocation, ~~or~~ removal, storage,
 1394 destruction, or disposal of any abandoned or derelict vessel are
 1395 recoverable against the owner of the vessel or the party
 1396 determined to be legally responsible for the vessel being upon
 1397 the waters of this state in a derelict condition. The Department
 1398 of Legal Affairs shall represent the commission in actions to
 1399 recover such costs.

1400 (b) The commission, an officer ~~officers~~ of the commission,
 1401 or a ~~and any other~~ law enforcement agency or officer specified
 1402 in s. 327.70 acting pursuant to ~~under~~ this section to relocate,
 1403 remove, store, destroy, or dispose of, or cause to be relocated,
 1404 ~~or removed, stored, destroyed, or disposed of,~~ a derelict vessel
 1405 from ~~public~~ waters of this state as defined in s. 327.02 shall
 1406 be held harmless for all damages to the derelict vessel
 1407 resulting from such action ~~relocation or removal~~ unless the
 1408 damage results from gross negligence or willful misconduct as
 1409 these terms are defined in s. 823.11.

1410 (c) A contractor performing relocation, ~~or~~ removal,
 1411 storage, destruction, or disposal activities at the direction of
 1412 the commission, an officer ~~officers~~ of the commission, ~~or~~ a law
 1413 enforcement agency or officer, or a governmental subdivision,
 1414 when the governmental subdivision has received authorization

1415 from a law enforcement officer or agency, pursuant to this
1416 section must be licensed in accordance with applicable United
1417 States Coast Guard regulations where required; obtain and carry
1418 in full force and effect a policy from a licensed insurance
1419 carrier in this state to insure against any accident, loss,
1420 injury, property damage, or other casualty caused by or
1421 resulting from the contractor's actions; and be properly
1422 equipped to perform the services to be provided.

1423 (d) The commission may establish a program to provide
1424 grants to local governments for the removal, storage,
1425 destruction, and disposal of derelict vessels from the ~~public~~
1426 waters of this the state as defined in s. 327.02. The program
1427 shall be funded from the Marine Resources Conservation Trust
1428 Fund or the Florida Coastal Protection Trust Fund.
1429 Notwithstanding ~~the provisions in~~ s. 216.181(11), funds
1430 available for grants may only be authorized by appropriations
1431 acts of the Legislature. In a given fiscal year, if all funds
1432 appropriated pursuant to this paragraph are not requested by and
1433 granted to local governments for the removal, storage,
1434 destruction, and disposal of derelict vessels by the end of the
1435 third quarter, the Fish and Wildlife Conservation Commission may
1436 use the remainder of the funds to remove, store, destroy, and
1437 dispose of, or to pay private contractors to remove, store,
1438 destroy, and dispose of, derelict vessels.

1439 (e) The commission shall adopt by rule procedures for
 1440 submitting a grant application and criteria for allocating
 1441 available funds. Such criteria shall include, but not be limited
 1442 to, the following:

1443 1. The number of derelict vessels within the jurisdiction
 1444 of the applicant.

1445 2. The threat posed by such vessels to public health or
 1446 safety, the environment, navigation, or the aesthetic condition
 1447 of the general vicinity.

1448 3. The degree of commitment of the local government to
 1449 maintain waters free of abandoned and derelict vessels and to
 1450 seek legal action against those who abandon vessels in the
 1451 waters of this ~~the~~ state as defined in s. 327.02.

1452 (f) This section constitutes the authority for such
 1453 removal but is not intended to be in contravention of any
 1454 applicable federal act.

1455 Section 26. Subsections (2) and (4) of section 705.103,
 1456 Florida Statutes, are amended to read:

1457 705.103 Procedure for abandoned or lost property.—

1458 (2) (a)1. Whenever a law enforcement officer ascertains
 1459 that:

1460 a. An article of lost or abandoned property other than a
 1461 derelict vessel or a vessel declared a public nuisance pursuant
 1462 to s. 327.73(1)(aa) is present on public property and is of such
 1463 nature that it cannot be easily removed, the officer shall cause

1464 a notice to be placed upon such article in substantially the
 1465 following form:

1466
 1467 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
 1468 PROPERTY. This property, to wit: ...(setting forth brief
 1469 description)... is unlawfully upon public property known as
 1470 ...(setting forth brief description of location)... and must be
 1471 removed within 5 days; otherwise, it will be removed and
 1472 disposed of pursuant to chapter 705, Florida Statutes. The owner
 1473 will be liable for the costs of removal, storage, and
 1474 publication of notice. Dated this: ...(setting forth the date of
 1475 posting of notice)..., signed: ...(setting forth name, title,
 1476 address, and telephone number of law enforcement officer)....

1477
 1478 b. A derelict vessel or a vessel declared a public
 1479 nuisance pursuant to s. 327.73(1)(aa) is present on the waters
 1480 of this state, the officer shall cause a notice to be placed
 1481 upon such vessel in substantially the following form:

1482
 1483 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
 1484 VESSEL. This vessel, to wit: ...(setting forth brief
 1485 description)... has been determined to be (derelict or a public
 1486 nuisance) and is unlawfully upon the waters of this state
 1487 ...(setting forth brief description of location)... and must be
 1488 removed within 21 days; otherwise, it will be removed and

1489 disposed of pursuant to chapter 705, Florida Statutes. The owner
 1490 and other interested parties have the right to a hearing to
 1491 challenge the determination that this vessel is derelict or
 1492 otherwise in violation of the law. Please contact ...(contact
 1493 information for person who can arrange for a hearing in
 1494 accordance with this section).... The owner or the party
 1495 determined to be legally responsible for the vessel being upon
 1496 the waters of this state in a derelict condition will be liable
 1497 for the costs of removal, destruction, and disposal if this
 1498 vessel is not removed by the owner. Dated this: ...(setting
 1499 forth the date of posting of notice)...., signed: ...(setting
 1500 forth name, title, address, and telephone number of law
 1501 enforcement officer)....

1502 2. A ~~Such~~ notice required under subparagraph 1. may ~~shall~~
 1503 be not be less than 8 inches by 10 inches and shall be
 1504 sufficiently weatherproof to withstand normal exposure to the
 1505 elements. In addition to posting, the law enforcement officer
 1506 shall make a reasonable effort to ascertain the name and address
 1507 of the owner. If such is reasonably available to the officer,
 1508 she or he shall mail a copy of such notice to the owner on or
 1509 before the date of posting. If the property is a motor vehicle
 1510 as defined in s. 320.01(1) or a vessel as defined in s. 327.02,
 1511 the law enforcement agency shall contact the Department of
 1512 Highway Safety and Motor Vehicles in order to determine the name
 1513 and address of the owner and any person who has filed a lien on

1514 the vehicle or vessel as provided in s. 319.27(2) or (3) or s.
1515 328.15(1). On receipt of this information, the law enforcement
1516 agency shall mail a copy of the notice by certified mail, return
1517 receipt requested, to the owner and to the lienholder, if any,
1518 except that a law enforcement officer who has issued a citation
1519 for a violation of s. 376.15 or s. 823.11 to the owner of a
1520 derelict vessel is not required to mail a copy of the notice by
1521 certified mail, return receipt requested, to the owner. For a
1522 derelict vessel or a vessel declared a public nuisance pursuant
1523 to s. 327.73(1)(aa), the mailed notice must inform the owner or
1524 responsible party that he or she has a right to a hearing to
1525 dispute the determination that the vessel is derelict or
1526 otherwise in violation of the law. If a request for a hearing is
1527 made, a state agency shall follow the processes set forth in s.
1528 120.569. Local governmental entities shall follow the processes
1529 set forth in s. 120.569, except that a local judge, magistrate,
1530 or code enforcement officer may be designated to conduct such a
1531 hearing. If, at the end of 5 days after posting the notice in
1532 sub-subparagraph 1.a., or at the end of 21 days after posting
1533 the notice in sub-subparagraph 1.b., and mailing such notice, if
1534 required, the owner or any person interested in the lost or
1535 abandoned article or articles described has not removed the
1536 article or articles from public property or shown reasonable
1537 cause for failure to do so, and, in the case of a derelict
1538 vessel or a vessel declared a public nuisance pursuant to s.

1539 327.73(1)(aa), has not requested a hearing in accordance with
1540 this section, the following shall apply:

1541 a.~~(a)~~ For abandoned property other than a derelict vessel
1542 or a vessel declared a public nuisance pursuant to s.
1543 327.73(1)(aa), the law enforcement agency may retain any or all
1544 of the property for its own use or for use by the state or unit
1545 of local government, trade such property to another unit of
1546 local government or state agency, donate the property to a
1547 charitable organization, sell the property, or notify the
1548 appropriate refuse removal service.

1549 b. For a derelict vessel or a vessel declared a public
1550 nuisance pursuant to s. 327.73(1)(aa), the law enforcement
1551 agency or its designee may:

1552 (I) Remove the vessel from the waters of this state and
1553 destroy and dispose of the vessel or authorize another
1554 governmental entity or its designee to do so; or

1555 (II) Authorize the vessel's use as an artificial reef in
1556 accordance with s. 379.249 if all necessary federal, state, and
1557 local authorizations are received.

1558
1559 A law enforcement agency or its designee may also take action as
1560 described in this sub-subparagraph if, following a hearing
1561 pursuant to this section, the judge, magistrate, administrative
1562 law judge, or hearing officer has determined the vessel to be
1563 derelict as provided in s. 823.11 or otherwise in violation of

1564 the law in accordance with s. 327.73(1)(aa) and a final order
1565 has been entered or the case is otherwise closed.

1566 (b) For lost property, the officer shall take custody and
1567 the agency shall retain custody of the property for 90 days. The
1568 agency shall publish notice of the intended disposition of the
1569 property, as provided in this section, during the first 45 days
1570 of this time period.

1571 1. If the agency elects to retain the property for use by
1572 the unit of government, donate the property to a charitable
1573 organization, surrender such property to the finder, sell the
1574 property, or trade the property to another unit of local
1575 government or state agency, notice of such election shall be
1576 given by an advertisement published once a week for 2
1577 consecutive weeks in a newspaper of general circulation in the
1578 county where the property was found if the value of the property
1579 is more than \$100. If the value of the property is \$100 or less,
1580 notice shall be given by posting a description of the property
1581 at the law enforcement agency where the property was turned in.
1582 The notice must be posted for not less than 2 consecutive weeks
1583 in a public place designated by the law enforcement agency. The
1584 notice must describe the property in a manner reasonably
1585 adequate to permit the rightful owner of the property to claim
1586 it.

1587 2. If the agency elects to sell the property, it must do
1588 so at public sale by competitive bidding. Notice of the time and

1589 place of the sale shall be given by an advertisement of the sale
1590 published once a week for 2 consecutive weeks in a newspaper of
1591 general circulation in the county where the sale is to be held.
1592 The notice shall include a statement that the sale shall be
1593 subject to any and all liens. The sale must be held at the
1594 nearest suitable place to that where the lost or abandoned
1595 property is held or stored. The advertisement must include a
1596 description of the goods and the time and place of the sale. The
1597 sale may take place no earlier than 10 days after the final
1598 publication. If there is no newspaper of general circulation in
1599 the county where the sale is to be held, the advertisement shall
1600 be posted at the door of the courthouse and at three other
1601 public places in the county at least 10 days prior to sale.
1602 Notice of the agency's intended disposition shall describe the
1603 property in a manner reasonably adequate to permit the rightful
1604 owner of the property to identify it.

1605 (4) The owner of any abandoned or lost property, or in the
1606 case of a derelict vessel, the owner or other party determined
1607 to be legally responsible for the vessel being upon the waters
1608 of this state in a derelict condition, who, after notice as
1609 provided in this section, does not remove such property within
1610 the specified period shall be liable to the law enforcement
1611 agency, other governmental entity, or the agency's or entity's
1612 designee for all costs of removal, storage, and destruction of
1613 such property, less any salvage value obtained by disposal of

1614 the property. Upon final disposition of the property, the law
1615 enforcement officer or representative of the law enforcement
1616 agency or other governmental entity shall notify the owner, if
1617 known, of the amount owed. In the case of an abandoned vessel or
1618 motor vehicle, any person who neglects or refuses to pay such
1619 amount is not entitled to be issued a certificate of
1620 registration for such vessel or motor vehicle, or any other
1621 vessel or motor vehicle, until such costs have been paid. A
1622 person who has neglected or refused to pay all costs of removal,
1623 storage, disposal, and destruction of a vessel or motor vehicle
1624 as provided in this section, after having been provided written
1625 notice via certified mail that such costs are owed, and who
1626 applies for and is issued a registration for a vessel or motor
1627 vehicle before such costs have been paid in full commits a
1628 misdemeanor of the first degree, punishable as provided in s.
1629 775.082 or s. 775.083. The law enforcement officer or
1630 representative of the law enforcement agency or other
1631 governmental entity shall supply the Department of Highway
1632 Safety and Motor Vehicles with a list of persons whose vessel
1633 registration privileges and ~~or whose~~ motor vehicle privileges
1634 have been revoked under this subsection. ~~Neither~~ The department
1635 or a ~~nor any other~~ person acting as an agent of the department
1636 may not ~~thereof shall~~ issue a certificate of registration to a
1637 person whose vessel and ~~or~~ motor vehicle registration privileges
1638 have been revoked, as provided by this subsection, until such

1639 costs have been paid.

1640 Section 27. Effective July 1, 2023, subsection (2) of
 1641 section 705.103, Florida Statutes, as amended by section 29 of
 1642 chapter 2019-76, Laws of Florida, is amended to read

1643 705.103 Procedure for abandoned or lost property.—

1644 (2) (a)1. Whenever a law enforcement officer ascertains
 1645 that:

1646 a. An article of lost or abandoned property other than a
 1647 derelict vessel or a vessel declared a public nuisance pursuant
 1648 to s. 327.73(1)(aa) is present on public property and is of such
 1649 nature that it cannot be easily removed, the officer shall cause
 1650 a notice to be placed upon such article in substantially the
 1651 following form:

1652
 1653 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
 1654 PROPERTY. This property, to wit: ...(setting forth brief
 1655 description)... is unlawfully upon public property known as
 1656 ...(setting forth brief description of location)... and must be
 1657 removed within 5 days; otherwise, it will be removed and
 1658 disposed of pursuant to chapter 705, Florida Statutes. The owner
 1659 will be liable for the costs of removal, storage, and
 1660 publication of notice. Dated this: ...(setting forth the date of
 1661 posting of notice)..., signed: ...(setting forth name, title,
 1662 address, and telephone number of law enforcement officer)....

1663

1664 b. A derelict vessel or a vessel declared a public
 1665 nuisance pursuant to s. 327.73(1)(aa) is present on the waters
 1666 of this state, the officer shall cause a notice to be placed
 1667 upon such vessel in substantially the following form:

1668
 1669 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
 1670 VESSEL. This vessel, to wit: ...(setting forth brief description
 1671 of location)... has been determined to be (derelict or a public
 1672 nuisance) and is unlawfully upon the waters of this state
 1673 ...(setting forth brief description of location)... and must be
 1674 removed within 21 days; otherwise, it will be removed and
 1675 disposed of pursuant to chapter 705, Florida Statutes. The owner
 1676 and other interested parties have the right to a hearing to
 1677 challenge the determination that this vessel is derelict or
 1678 otherwise in violation of the law. Please contact ...(contact
 1679 information for person who can arrange for a hearing in
 1680 accordance with this section).... The owner or the party
 1681 determined to be legally responsible for the vessel being upon
 1682 the waters of this state in a derelict condition will be liable
 1683 for the costs of removal, destruction, and disposal if this
 1684 vessel is not removed by the owner. Dated this: ...(setting
 1685 forth the date of posting of notice)..., signed: ...(setting
 1686 forth name, title, address, and telephone number of law
 1687 enforcement officer)....

1689 2. A ~~Such~~ notice required under subparagraph 1. may ~~shall~~
1690 ~~be~~ be not be less than 8 inches by 10 inches and shall be
1691 sufficiently weatherproof to withstand normal exposure to the
1692 elements. In addition to posting, the law enforcement officer
1693 shall make a reasonable effort to ascertain the name and address
1694 of the owner. If such is reasonably available to the officer,
1695 she or he shall mail a copy of such notice to the owner on or
1696 before the date of posting. If the property is a motor vehicle
1697 as defined in s. 320.01(1) or a vessel as defined in s. 327.02,
1698 the law enforcement agency shall contact the Department of
1699 Highway Safety and Motor Vehicles in order to determine the name
1700 and address of the owner and any person who has filed a lien on
1701 the vehicle or vessel as provided in s. 319.27(2) or (3) or s.
1702 328.15. On receipt of this information, the law enforcement
1703 agency shall mail a copy of the notice by certified mail, return
1704 receipt requested, to the owner and to the lienholder, if any,
1705 except that a law enforcement officer who has issued a citation
1706 for a violation of s. 376.15 or s. 823.11 to the owner of a
1707 derelict vessel is not required to mail a copy of the notice by
1708 certified mail, return receipt requested, to the owner. For a
1709 derelict vessel or a vessel declared a public nuisance pursuant
1710 to s. 327.73(1)(aa), the mailed notice must inform the owner or
1711 responsible party that he or she has a right to a hearing to
1712 dispute the determination that the vessel is derelict or
1713 otherwise in violation of the law. If a request for a hearing is

1714 made, a state agency shall follow the processes as set forth in
1715 s. 120.569. Local governmental entities shall follow the
1716 processes set forth in s. 120.569, except that a local judge,
1717 magistrate, or code enforcement officer may be designated to
1718 conduct such hearings. If, at the end of 5 days after posting
1719 the notice in sub-subparagraph 1.a., or at the end of 21 days
1720 after posting the notice in sub-subparagraph 1.b., and mailing
1721 such notice, if required, the owner or any person interested in
1722 the lost or abandoned article or articles described has not
1723 removed the article or articles from public property or shown
1724 reasonable cause for failure to do so, and, in the case of a
1725 derelict vessel or a vessel declared a public nuisance pursuant
1726 to s. 327.73(1)(aa), has not requested a hearing in accordance
1727 with this section, the following shall apply:

1728 a.~~(a)~~ For abandoned property other than a derelict vessel
1729 or a vessel declared a public nuisance pursuant to s.
1730 327.73(1)(aa), the law enforcement agency may retain any or all
1731 of the property for its own use or for use by the state or unit
1732 of local government, trade such property to another unit of
1733 local government or state agency, donate the property to a
1734 charitable organization, sell the property, or notify the
1735 appropriate refuse removal service.

1736 b. For a derelict vessel or a vessel declared a public
1737 nuisance pursuant to s. 327.73(1)(aa), the law enforcement
1738 agency or its designee may:

1739 (I) Remove the vessel from the waters of this state and
1740 destroy and dispose of the vessel or authorize another
1741 governmental entity or its designee to do so; or

1742 (II) Authorize the vessel's use as an artificial reef in
1743 accordance with s. 379.249 if all necessary federal, state, and
1744 local authorizations are received.

1745
1746 A law enforcement agency or its designee may also take action as
1747 described in this sub-subparagraph if, following a hearing
1748 pursuant to this section, the judge, magistrate, administrative
1749 law judge, or hearing officer has determined the vessel to be
1750 derelect as provided in s. 823.11 or otherwise in violation of
1751 the law in accordance with s. 327.73(1)(aa) and a final order
1752 has been entered or the case is otherwise closed.

1753 (b) For lost property, the officer shall take custody and
1754 the agency shall retain custody of the property for 90 days. The
1755 agency shall publish notice of the intended disposition of the
1756 property, as provided in this section, during the first 45 days
1757 of this time period.

1758 1. If the agency elects to retain the property for use by
1759 the unit of government, donate the property to a charitable
1760 organization, surrender such property to the finder, sell the
1761 property, or trade the property to another unit of local
1762 government or state agency, notice of such election shall be
1763 given by an advertisement published once a week for 2

1764 consecutive weeks in a newspaper of general circulation in the
1765 county where the property was found if the value of the property
1766 is more than \$100. If the value of the property is \$100 or less,
1767 notice shall be given by posting a description of the property
1768 at the law enforcement agency where the property was turned in.
1769 The notice must be posted for not less than 2 consecutive weeks
1770 in a public place designated by the law enforcement agency. The
1771 notice must describe the property in a manner reasonably
1772 adequate to permit the rightful owner of the property to claim
1773 it.

1774 2. If the agency elects to sell the property, it must do
1775 so at public sale by competitive bidding. Notice of the time and
1776 place of the sale shall be given by an advertisement of the sale
1777 published once a week for 2 consecutive weeks in a newspaper of
1778 general circulation in the county where the sale is to be held.
1779 The notice shall include a statement that the sale shall be
1780 subject to any and all liens. The sale must be held at the
1781 nearest suitable place to that where the lost or abandoned
1782 property is held or stored. The advertisement must include a
1783 description of the goods and the time and place of the sale. The
1784 sale may take place no earlier than 10 days after the final
1785 publication. If there is no newspaper of general circulation in
1786 the county where the sale is to be held, the advertisement shall
1787 be posted at the door of the courthouse and at three other
1788 public places in the county at least 10 days prior to sale.

1789 Notice of the agency's intended disposition shall describe the
1790 property in a manner reasonably adequate to permit the rightful
1791 owner of the property to identify it.

1792 Section 28. Subsections (1), (2), and (3) of section
1793 823.11, Florida Statutes, are amended to read:

1794 823.11 Derelict vessels; relocation or removal; penalty.-

1795 (1) As used in this section and s. 376.15, the term:

1796 (a) "Commission" means the Fish and Wildlife Conservation
1797 Commission.

1798 (b) "Derelict vessel" means a vessel, as defined in s.
1799 327.02, that is ~~left, stored, or abandoned~~:

1800 1. In a wrecked, junked, or substantially dismantled
1801 condition upon any ~~public~~ waters of this state.

1802 a. A vessel is wrecked if it is sunken or sinking; aground
1803 without the ability to extricate itself absent mechanical
1804 assistance; or remaining after a marine casualty, including, but
1805 not limited to, a boating accident, extreme weather, or a fire.

1806 b. A vessel is junked if it has been substantially
1807 stripped of vessel components, if vessel components have
1808 substantially degraded or been destroyed, or if the vessel has
1809 been discarded by the owner or operator. Attaching an outboard
1810 motor to a vessel that is otherwise junked will not cause the
1811 vessel to no longer be junked if such motor is not an effective
1812 means of propulsion as required by s. 327.4107(2)(e) and
1813 associated rules.

1814 c. A vessel is substantially dismantled if at least two of
1815 the three following vessel systems or components are missing,
1816 compromised, incomplete, inoperable, or broken:

1817 (I) The steering system;

1818 (II) The propulsion system; or

1819 (III) The exterior hull integrity.

1820
1821 Attaching an outboard motor to a vessel that is otherwise
1822 substantially dismantled will not cause the vessel to no longer
1823 be substantially dismantled if such motor is not an effective
1824 means of propulsion as required by s. 327.4107(2)(e) and
1825 associated rules.

1826 2. At a port in this state without the consent of the
1827 agency having jurisdiction thereof.

1828 3. Docked, grounded, or beached upon the property of
1829 another without the consent of the owner of the property.

1830 (c) "Gross negligence" means conduct so reckless or
1831 wanting in care that it constitutes a conscious disregard or
1832 indifference to the safety of the property exposed to such
1833 conduct.

1834 (d) "Willful misconduct" means conduct evidencing
1835 carelessness or negligence of such a degree or recurrence as to
1836 manifest culpability, wrongful intent, or evil design or to show
1837 an intentional and substantial disregard of the interests of the
1838 vessel owner.

1839 (2) (a) ~~It is unlawful for~~ A person, firm, or corporation
1840 ~~may not to store, leave, or abandon~~ any derelict vessel upon
1841 waters of in this state. For purposes of this paragraph, the
1842 term "leave" means to allow a vessel to remain occupied or
1843 unoccupied on the waters of this state for more than 24 hours.

1844 (b) Notwithstanding paragraph (a), a person who owns or
1845 operates a vessel that becomes derelict upon the waters of this
1846 state solely as a result of a boating accident that is reported
1847 to law enforcement in accordance with s. 327.301 or otherwise
1848 reported to law enforcement; a hurricane; or another sudden
1849 event outside of his or her control may not be charged with a
1850 violation if:

1851 1. The person documents for law enforcement the specific
1852 event that led to the vessel being derelict upon the waters of
1853 this state; and

1854 2. The vessel has been removed from the waters of this
1855 state or has been repaired or addressed and is no longer
1856 derelict upon the waters of this state:

1857 a. Within 7 days after a boating accident or other sudden
1858 event outside of his or her control; or

1859 b. Within 45 days after a hurricane has passed over the
1860 state.

1861 (c) This subsection does not apply to a vessel that was
1862 derelict upon the waters of this state before the stated
1863 accident or event.

1864 (3) The commission, an officer ~~officers~~ of the commission,
1865 or a ~~and any~~ law enforcement agency or officer specified in s.
1866 327.70 may ~~are authorized and empowered to~~ relocate, remove,
1867 store, destroy, or dispose of, or cause to be relocated, ~~or~~
1868 removed, stored, destroyed, or disposed of, a derelict vessel
1869 from ~~public~~ waters of this state as defined in s. 327.02 if the
1870 derelict vessel obstructs or threatens to obstruct navigation or
1871 in any way constitutes a danger to the environment, property, or
1872 persons. The commission, an officer ~~officers~~ of the commission,
1873 or any other law enforcement agency or officer acting pursuant
1874 to ~~under~~ this subsection to relocate, remove, store, destroy,
1875 dispose of, or cause to be relocated, ~~or~~ removed, stored,
1876 destroyed, or disposed of, a derelict vessel from ~~public~~ waters
1877 of this state shall be held harmless for all damages to the
1878 derelict vessel resulting from such action ~~relocation or removal~~
1879 unless the damage results from gross negligence or willful
1880 misconduct.

1881 (a) Removal, storage, destruction, and disposal of
1882 derelict vessels under this subsection may be funded by grants
1883 provided in ss. 206.606 and 376.15. The commission shall
1884 implement a plan for the procurement of any available federal
1885 disaster funds and use such funds for the removal, storage,
1886 destruction, and disposal of derelict vessels.

1887 (b) All costs, including costs owed to a third party,
1888 incurred by the commission, another ~~or other~~ law enforcement

1889 agency, or a governmental subdivision, when the governmental
1890 subdivision has received authorization from a law enforcement
1891 officer or agency, for ~~in~~ the relocation, ~~or~~ removal, storage,
1892 destruction, or disposal of a derelict vessel are recoverable
1893 against the vessel owner or the party determined to be legally
1894 responsible for the vessel being upon the waters of this state
1895 in a derelict condition. The Department of Legal Affairs shall
1896 represent the commission in actions to recover such costs. As
1897 provided in s. 705.103(4), a person who neglects or refuses to
1898 pay such costs may not be issued a certificate of registration
1899 for such vessel or for any other vessel or motor vehicle until
1900 such costs have been paid. A person who has neglected or refused
1901 to pay all costs of removal, storage, destruction, or disposal
1902 of a derelict vessel as provided in this section, after having
1903 been provided written notice via certified mail that such costs
1904 are owed, and who applies for and is issued a registration for a
1905 vessel or motor vehicle before such costs have been paid in full
1906 commits a misdemeanor of the first degree, punishable as
1907 provided in s. 775.082 or s. 775.083.

1908 (c) A contractor performing relocation, ~~or~~ removal,
1909 storage, destruction, or disposal activities at the direction of
1910 the commission, an officer ~~officers~~ of the commission, ~~or~~ a law
1911 enforcement agency or officer, or a governmental subdivision,
1912 when the governmental subdivision has received authorization
1913 from a law enforcement officer or agency, pursuant to this

1914 section must be licensed in accordance with applicable United
1915 States Coast Guard regulations where required; obtain and carry
1916 in full force and effect a policy from a licensed insurance
1917 carrier in this state to insure against any accident, loss,
1918 injury, property damage, or other casualty caused by or
1919 resulting from the contractor's actions; and be properly
1920 equipped to perform the services to be provided.

1921 Section 29. Except as otherwise expressly provided in this
1922 act, this act shall take effect July 1, 2021.